



Attorney's Docket No. 1997DE403/C/CIP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Initial patent application of:

KRULL et al.

Serial No.: 09/788,261

Filed: February 19, 2001

For: FUEL OILS BASED ON MIDDLE DISTILLATES AND COPOLYMERS OF
ETHYLENE AND UNSATURATED CARBOXYLIC ESTERS

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure provisions of 37 CFR § 1.56, there is hereby provided certain information which the Examiner may consider material to the examination of the subject U.S. patent application. It is requested that the Examiner make this information of record if it is deemed material to the examination of the subject application.

1. Enclosures accompanying this Information Disclosure Statement are:

- 1a. Form PTO-1449.
- 1b. Copies of Information Disclosure Statement citations. (If box not checked, see item 6 below).
- 1c. An English language copy of search report(s) from a counterpart foreign application or a PCT International Search Report.
- 1d. English language translation (complete or relevant portion(s)) attached to each non-English language publication.
- 1e. Explanations of Relevancy of References (ATTACHMENT 1(d), hereto) for providing a concise explanation of each non-English publication.
- 1f. List of Copending Applications (ATTACHMENT 1(e), hereto).
- 1g. PCT International Search Report.

CERTIFICATE OF MAILING:

"Express Mail" Mailing Label No. EL810054186US Date of Deposit: 8/29/02

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231

Typed Name: Kathie D. McGee

Signature: Kathie D. McGee

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2. This Information Disclosure Statement is filed under 37 CFR § 1.97(b) before the latter of three months after the U.S. patent application filing date or the first Office Action on the merits. Accordingly, no fee or § 1.97(e) Statement is required.

3. This Information Disclosure Statement is filed under 37 CFR § 1.97(c) after the first Office Action on the merits, but before a Final Office Action or a Notice of Allowance.

3a. The § 1.97(e) Statement in Item 5 below is applicable. Accordingly, no fee is required.

3b. The \$180.00 fee set forth in 37 CFR § 1.17(p) in accordance with 37 CFR § 1.97(c) is to be charged to Deposit Account No. 03-2060.

4. This Information Disclosure Statement is filed under 37 CFR § 1.97(d) after the Final Office Action or the Notice of Allowance, but before payment of the Issue Fee.

The § 1.97(e) Statement (Item 5 below) is applicable.

A Petition to the Commissioner is hereby made under 37 CFR § 1.97(d) to request consideration of this Information Disclosure Statement. The \$130.00 fee set forth in 37 CFR § 1.17(i) is to be charged to Deposit Account No. 03-2060.

5. Statement Under § 1.97(e) (*applicable if Item 3a or Item 4 is checked*)

5a. In accordance with 37 CFR § 1.97(e)(1), it is stated that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. (Federal Register, Vol. 62, No. 197, page 53190, October 1997.)

5b. In accordance with 37 CFR § 1.97(e)(2), it is stated that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known by any individual designated in § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. (Federal Register, Vol. 62, No. 197, page 53190, October 1997.)

6. This is a continuation/division/continuation-in-part application under 37 CFR § 1.153(b). *(Check appropriate Items 6a and/or 6b.)*

6a. Copies of the publications listed on Form PTO-1449 from prior Application Serial No. ____ / ____ , filed on _____, of which this application claims priority under 35 USC § 120 have been omitted pursuant to 37 CFR § 1.98(d).

6b. Copies of the publications listed on Form PTO-1449 which were not previously cited in prior Application Serial No. ____ / ____ , filed on _____, of which this application claims priority under 35 USC § 120, are provided herewith.

7. This is a continuation/divisional application under 37 CFR § 1.53(d). *(Check either Item 7a or 7b.)*

7a. The Issue Fee has not been paid.

7b. A Petition to Withdraw from Issue under 37 CFR § 1.313(b)(5) has been granted. A continuation application under 37 CFR § 1.53(d) after payment of the Issue Fee is proper in accordance with 37 CFR § 1.53(d)(1)(ii).

8. This is a Supplemental Information Disclosure Statement. *(Check either Item 8a or 8b.)*

8a. This Supplemental Information Disclosure Statement under 37 CFR § 1.97(f) supplements the Information Disclosure Statement filed on February 19, 2001.

8b. This Supplemental Information Disclosure Statement is timely filed within one (1) month of the Notice under 37 CFR § 1.97(i), mailed _____. (MPEP 609, Form ¶ 6.51, July 1997.)

9. In accordance with 37 CFR § 1.98, a concise explanation of what is presently understood to be the relevance of each non-English language publication is:

(Check appropriate Items 9a, 9b, 9c, 9d, and/or 9e)

9a. satisfied because all non-English language publications were cited on the enclosed English language copy of the PCT International Search Report or the search report from a counterpart foreign application indicating the degree of relevance found by the foreign office. (See U.S. Patent and Trademark Office's authorization in the Federal Register, Vol. 57, No. 12, January 17, 1992, at page 2031 (Reply to Comment 68).)

9b. set forth in the application.

9c. satisfied because an English language translation (complete or relevant portion(s)) is attached to each non-English language publication.

9d. enclosed as Attachment 1(d), hereto.

9e. attached in abstracts in the English language.

10. No admission is made that the information cited in this Statement is, or is considered to be, material to patentability nor a representation that a search has been made (other than search report(s) from a counterpart foreign application or a PCT International Search Report, if submitted herewith). 37 CFR §§ 1.97(g) and (h).

11. The Commissioner is authorized to credit any overpayment or charge any additional fee required under 37 CFR § 1.17 for this Information Disclosure Statement and/or Petition to Deposit Account No. 03-2060.

Respectfully submitted,

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